

# Development Review Committee

## Staff Report

March 6<sup>th</sup>, 2019



<b>Case No:</b>	18WAIVER1056 / 18MINORPLAT1208
<b>Project Name:</b>	18001 Shelbyville Rd.
<b>Location:</b>	18001 Shelbyville Rd.
<b>Owner(s):</b>	Bob Merritt, Creek Partners, LLC
<b>Applicant:</b>	Kelli Jones, Sabak Wilson & Lingo, INC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	19 – Anthony Piagentini
<b>Case Manager:</b>	Molly Clark, Associate Planner
<b>Presented By:</b>	Lacey Gabbard, Planner I AICP

### REQUEST(S)

- Waivers:
  1. Waiver from table 10.3.2 – to allow a single family residence to encroach on the 50 foot required scenic corridor setback for single family residences.
  2. Waiver from 7.8.60.B.4 – to allow a single family residence have direct access to major arterial, minor arterials and collector level roadways from individual single-family lots

### CASE SUMMARY/BACKGROUND

The property subject to this waiver is located in the Louisville Metro jurisdiction and has two road frontages, one on Shelbyville Road and the other on Long Run Road. The property contains 12.02 acres and is located in the R4 zoning district as well as the Neighborhood form district. The property is currently vacant and is adjacent to Long Run Creek and The Park at Locust Creek subdivision's open space. A majority of the site is located in a flood plain as well as a conservation easement and other easements. With all of these easements and the flood plain boundary, the site has many constraints. The applicant proposes to construct a single family residence outside of the floodplain and easements as well as create two tracts which will be accessed through Long Run Road, a collector roadway. Long Run Road also has many other single family homes directly accessing the road. The applicant proposes to only waive a portion of the required 50 foot scenic corridor setback where the single family residence will be located.

### STAFF FINDING

The minor plat is in order and the waivers requested are adequately justified and meets the standards of review.

### TECHNICAL REVIEW

There are no outstanding technical issues associated with this request.

### INTERESTED PARTY COMMENTS

No interested parties contacted staff concerning this request.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER from 10.3.2 of the LDC**

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The requested waiver will not adversely affect the public health, safety or welfare because a majority of the property is in the flood plain and houses multiple easements.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 5, Policy 33 states that developments should respect the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems. Guideline 3 Policy 18 states that development should generally be compatible with the scale and site design on nearby existing development and with the form district's pattern of development. There are many other single family homes with similar scales and setbacks located directly on Long Run Road. Guideline 4, Policy 32 states that development should integrate natural features into the pattern of development. With the proposed single family structure being closer to Long Run Road, the applicant is working with the natural features of the site and minimizing disturbance.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is minimum necessary to afford relief to the applicant since the applicant is facing many constraints on this lot.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant especially since the lot has a majority of the property in the flood plain and conservation easements.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER for 7.8.60.B.4 of the LDC**

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The requested waiver will not adversely affect the public health, safety or welfare because there are other single family residences on Long Run Road that also have direct access to the roadway.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 5, Policy 33 states that proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.

By allowing the single family residences to access Long Run Road, the proposed single family residences would avoid disturbing Long Run Creek and its surrounding natural habitat. Guideline 5, Policy 35 states that development should be encouraged to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion. By allowing two single family residences to access Long Run Road, development in this area can avoid disturbing the wet and permeable soils that surround Long Run Creek.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is minimum necessary to afford relief to the applicant.

- (d) Either:  
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR  
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant especially since Long Run Creek runs through a majority of the rear of the property and Long Run Road is the most accessible street frontage. To access Shelbyville Road, the applicant will have to do guardrail modifications and have an engineer study done per KYTC's request.

### **REQUIRED ACTIONS:**

- **Approve or Deny both Waivers**

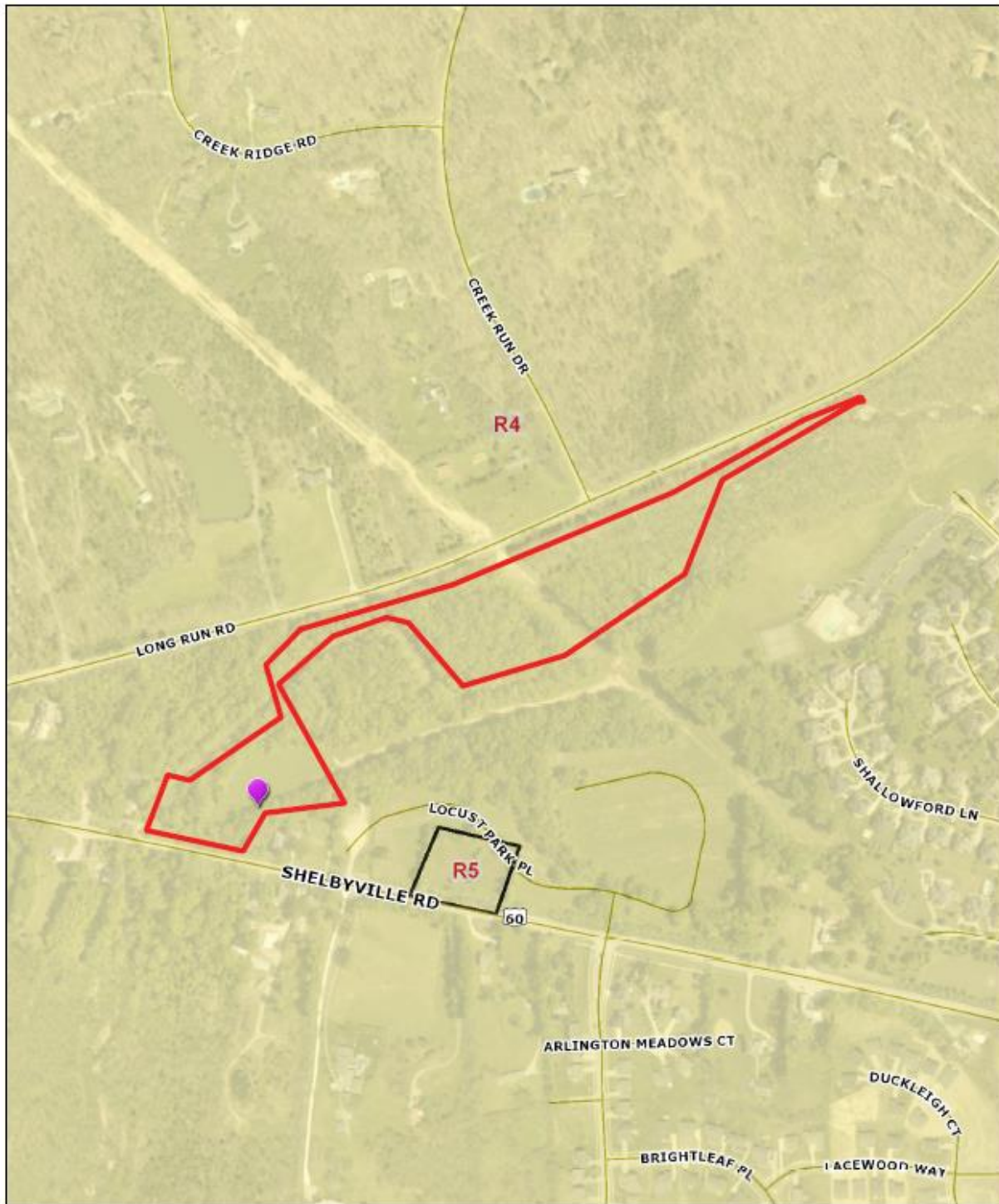
### **NOTIFICATION**

Date	Purpose of Notice	Recipients
2/21/2019	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners

### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Proposed Minor Plat
4. Proposed Waiver

1. Zoning Map



**18WAIVER1056 / 18MINORPLAT1**



**LOJIC**

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Tuesday, February 26, 2019 | 1:38:28 PM

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2. Aerial Photograph



**18WAIVER1056/18MINORPLAT12**



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## 5. Proposed Minor Plat

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**6.**

